

Public Laws : 102nd Congress / Public Laws / 1991 and
1992

PUBLIC LAW 102-168—NOV. 26, 1991

**HEALTH INFORMATION, HEALTH
PROMOTION, AND VACCINE INJURY
COMPENSATION AMENDMENTS OF 1991**

Public Law 102-168
102d Congress

An Act

Nov. 26, 1991
[H.R. 3402]

To amend the Public Health Service Act to revise and extend certain programs regarding health information, health promotion, and vaccine injury compensation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Health Information, Health Promotion, and Vaccine Injury Compensation Amendments of 1991”.

TITLE I—HEALTH INFORMATION AND HEALTH PROMOTION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL AUTHORITY.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended to read as follows:

“(b) For the purpose of carrying out this section and sections 1702 through 1705, there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996.”.

SEC. 102. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u-5(e)) is amended to read as follows:

“(e) For the purpose of carrying out this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996.”.

(b) **TECHNICAL AMENDMENT.**—Section 1706(c) of the Public Health Service Act (42 U.S.C. 300u-5(c)) is amended—

(1) by striking “(c)(1) During fiscal year 1985” and all that follows through “(2)(A) In making grants” and inserting the following: “(c)(1) In making grants”; and

(2) by striking “(B) The Secretary” and inserting “(2) The Secretary”.

TITLE II—VACCINE INJURY COMPENSATION

SEC. 201. VACCINE INJURY COMPENSATION.

(a) **PROVISION REGARDING NATIONAL CHILDHOOD VACCINE INJURY ACT OF 1986.**—Section 323 of the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300aa-1 note) is amended by striking out “(a) GENERAL RULE.—” and subsection (b).

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1991.
42 USC 201 note.

(b) **EVALUATION.**—Section 6601(t) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 300aa-1(t) note) is amended by striking out “1992” and inserting in lieu thereof “1993”.

(c) **SUSPENSION OF PETITION PROCEEDINGS.**—Section 2112(d)(3)(D) of the Public Health Service Act (42 U.S.C. 300aa-12(d)(3)(D)) is amended by striking out “180 days” and inserting in lieu thereof “540 days”.

(d) **ACTIONS BY PETITIONER.**—

(1) Section 2112(g) of the Public Health Service Act (42 U.S.C. 300aa-12(g)) is amended by striking out “and the petition will be considered withdrawn under such section if the petitioner, the special master, or the court do not take certain actions” and inserting in lieu thereof “or the petitioner may choose under section 2121(b) to have the petition remain before the special master or court, as the case may be”.

(2) Section 2116(c) of the Public Health Service Act (42 U.S.C. 300aa-16(c)) is amended by striking out “, (2)” and inserting in lieu thereof “or (2)” and by striking out “, or (3)” and all that remains in such section and inserting in lieu thereof a period.

(3) Section 2121(b) of the Public Health Service Act (42 U.S.C. 300aa-21(b)) is amended—

(A) in paragraph (1), by striking out “a notice in writing withdrawing the petition” and inserting in lieu thereof “a notice in writing choosing to continue or to withdraw the petition” and by striking out the last sentence,

(B) by striking out paragraph (2),

(C) by striking out “(1)” and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by running the text of paragraph (1) into the subsection heading and making the margin of the text full measure, and

(D) by amending the subsection heading to read “CONTINUANCE OR WITHDRAWAL OF PETITION”.

(e) **PAYMENT OF COMPENSATION.**—

(1) Section 2115(f)(4) of the Public Health Service Act (42 U.S.C. 300aa(f)(4)) is amended—

(A) in subparagraph (A), by striking out “of the proceeds”, and

(B) in subparagraph (B), by striking out “paid in 4 equal installments of which all or portion of the proceeds” and inserting in lieu thereof “shall be paid from appropriations made available under subsection (j) in a lump sum of which all or a portion”.

(2) Section 2115(f)(4)(A) of the Public Health Service Act (42 U.S.C. 300aa(f)(4)(A)) is amended by striking “trust fund” and inserting the following: “Vaccine Injury Compensation Trust Fund established under section 9510 of the Internal Revenue Code of 1986”.

(f) **ANNUITY.**—Section 2115(f)(4) of the Public Health Service Act (42 U.S.C. 300aa(f)(4)) is amended by adding at the end the following new subparagraph:

“(C) In purchasing an annuity under subparagraph (A) or (B), the Secretary may purchase a guarantee for the annuity, may enter into agreements regarding the purchase price for and rate of return of the annuity, and may take such other actions as may be necessary to safeguard the financial interests of the United States regarding the annuity. Any payment received by the Secretary pursuant to the preceding sentence shall be paid

42 USC
300aa-15.

to the Vaccine Injury Compensation Trust Fund established under section 9510 of the Internal Revenue Code of 1986, or to the appropriations account from which the funds were derived to purchase the annuity, whichever is appropriate.”.

(g) **ADVISORY COMMISSION.**—Section 2119(c) of the Public Health Service Act (42 U.S.C. 300aa-19(c)) is amended by inserting before the period at the end of the section “present at the meeting”.

(h) **TECHNICALS.**—Title XXI of the Public Health Service Act is amended as follows:

(1) The margins for clauses (i) and (ii) of section 2111(a)(2)(A) (42 U.S.C. 300aa-11(a)(2)(A)) are indented one em.

(2) The margin of subparagraph (D) of section 2112(d)(3) (42 U.S.C. 300aa-12(d)(3)) is indented to align with the margin of subparagraph (C).

(3) Section 2112(g) (42 U.S.C. 300aa-12(g)) is amended by striking out “NOTICE.— If” and inserting in lieu thereof “NOTICE.—If”.

42 USC 300-11
note.

(i) **EFFECTIVE DATES.**—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (d) and (f) shall take effect as if the amendments had been in effect on and after October 1, 1988.

Approved November 26, 1991.

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LEGISLATIVE HISTORY—H.R. 3402:

HOUSE REPORTS: No. 102-270 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 137 (1991):

Nov. 5, considered and passed House.

Nov. 12, considered and passed Senate.